



## **DEVELOPMENT FEES OVERVIEW**

### **Community Development Department (CDD)**

When New Development occurs within the Salt River Pima-Maricopa Indian Community (the “Community”), the Community is required to expand the capacity of its public facilities (infrastructure) to accommodate that growth. In order to mitigate the impact of these expansions, the Community assesses applicants “Development Fees,” funds from which, the Community then applies to the costs of building new Fire, Police, Transportation, Water, Sewer, and Storm Drainage Facilities. Development fee rates have been calculated to reflect new development’s proportionate impacts on these six (6) infrastructure categories. These fees are used only for the construction of the additional infrastructure capacity needed to serve new development. The Community’s Development Fee Ordinance is set forth at §§ 17-251 through 17-272 of the Community Code of Ordinances.

On May 13, 2009, the Community Council adopted an updated Development Fee Ordinance (DFO), which revised the fee rates, streamlined the Development Fee calculation process, and clarified procedures related to the collection, expenditure, and administration of Development Fees in the Community. The new fee rates became effective from June 1, 2009.

This Overview document explains the procedure that most applicants will follow to pay Development Fees or to facilitate other administrative processes, including refunds, offsets, and appeals. However, an applicant for new development should fully review the DFO, which governs in the event of a conflict with this guide or any other administrative document of the Community.

#### **Payment of Development Fees**

Development Fees must be paid prior to the issuance of a Community permit that authorizes new building and site development or that authorizes the expansion of an existing structure. These permits include, but are not necessarily limited to:

- Building permits
- Construction permits
- Tenant improvement permits
- Certificates of occupancy

The fee rates are listed by land use category in tables set forth in §§ 17-265 through 17-270 of the DFO. If the land use being proposed is not listed in the fee rate table, the Community Development Department (CDD) Director will determine the appropriate category for the proposed use. If the land use to be established in a structure is not known at the time Development Fees are paid, the most intense land use allowed by zoning on that site is assumed for purposes of initially assessing Development Fees. If, eventually, a less intense land use is established, the applicant will be reimbursed a portion of the fees equal to the difference between the fees paid initially and the fee amount applicable to the land uses actually established.

Development Fees for transportation, water, police, and fire categories were phased in at increasing levels between June 1, 2009 and December 1, 2010. The development fee rates for wastewater and

storm drainage remained constant in all the phases. In addition, the Council may, at its discretion, adjust the fees during the preparation of the annual budget, based on accepted industry indices. Applicants are advised to contact the Impact Fee Coordinator prior to submitting the “Development Fee Calculation Form” to confirm applicable Development Fee rate schedules. Further, since some Development Fees are charged only within certain geographic areas of the Community, or are charged only for certain types of development, the applicant should consult the DFO to confirm the applicability to a particular project and carefully follow the instruction in each administrative form.

Once the fees are paid for a particular land use at one stage of the approval process, they do not have to be paid again unless the land use changes to a more intense use. In order to initiate the payment process, the applicant must complete and submit a “Development Fee Calculation Form,” provided by the CDD. Although the form may be submitted at any time, Development Fees will be assessed and collected when the permit is ready for issuance. Therefore, if the fees charged under the DFO are revised between the date the “Development Fee Calculation Form” is submitted and the date the permit is ready for issuance, the revised fee amounts will apply and must be paid as a condition of permit issuance. If an applicant wishes to have the Community estimate the amount of fees that a particular New Development will be required to pay, the applicant should complete and submit a “Non-Binding Development Fee Estimate Form,” which may be obtained at CDD.

### **Individual Assessment of Development Fees**

In cases where an applicant believes the fees set forth by ordinance exceed the actual impacts of a proposed New Development on the Community’s Public Facilities, the applicant may commission an individual study to calculate the Development Fees the applicant believes to be appropriate. This process is described in § 17-259 of the DFO.

### **Offsets**

In cases where an applicant has constructed or dedicated approved Public Facilities that otherwise would have been built by the Community, Development Fees may be waived or reimbursed or subject to the issuance of credits. Section 17-260 of the DFO addresses these “Offsets,” including the requirement in some circumstances for an “Offset Agreement” to be executed by the applicant and the Community Council. The Community can provide a template Offset Agreement upon request. To initiate this process, the applicant must submit an “Application for Offset Against Development Fees,” which may be obtained from the CDD. Please note that not all improvements constructed or dedicated by an applicant may qualify as “Offset-Eligible Improvements.” The applicant should consult the DFO or with the Impact Fee Coordinator before making commitments with the expectation of receiving Development Fee Offsets.

### **Appeals**

If an applicant wishes to appeal the final determination of a Community official made pursuant to the terms of the DFO, an appeal may be taken, pursuant to the requirements and timeframes set forth in § 17-271 of the DFO.

### **Community Staff Contact:**

If you have any questions or wish to obtain administrative forms, please contact the Impact Fee Coordinator, Ambika Adhikari, Senior Planner, at (480) 362-7652 or via e-mail at [Ambika.adhikari@srpmic-nsn.gov](mailto:Ambika.adhikari@srpmic-nsn.gov).